

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF BRADFORD TOWERS FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER.ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP ORGANIZED PURSUANT TO M.G.L., C.109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 p.m. on June 19, 1980, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated June 9, 1980 (hereinafter called the "Application"), filed by Bradford Towers Associates for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on June 9, 1980, and June 16, 1980 in the Boston Herald American, a daily newspaper of general circulation published in Boston and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Actsof 1960, as amended. James G. Colbert, Joseph J. Walsh, and James E. Cofield, Jr., members of the Authority, were present at the hearing.

P. The Project. The proposed development area is located within the South Cove Urban Renewal Area of Boston and known as Disposition Parcels C-1 and C-8. A full metes and bounds description can be found in Tab 2 to the Application.

The Project consists of the purchase by the 121A Entity of the Project Area and the construction of two buildings as a multi-family housing project, having the benefit of Section 8 or a similar rental or subsidy program, with appurtenant facilities, and some basement and ground level commercial space, approximately 10,000 square feet.

The buildings will contain approximately 231 dwelling units, of which it is anticipated there will be one hundred and ninety-three (193) one-bedroom units (seventy-six (76) in the building on Parcel C-1 and one hundred and seventeen (117) in the building on Parcel C-8) and thirty-eight (38) two-bedroom units (thirteen (13) in the building on Parcel C-1 and twenty-five (25) in the building on Parcel C-8). Twenty (20) one-bedroom and four (4) two-bedroom units will be specially designed for the handicapped.

The two buildings will include rooftop solariums and courtyards with garden sitting areas. In addition, the buildings will contain a ground floor community area, a tenant lounge on each floor, a laundry room and a first floor security office. Preference will be given to elderly applicants.

It is anticipated that the 121A Entity will take title to the Project Area within three months, and further will begin construction one month hence, having an eighteen month construction period.

Attached to this Application as Tab 3 is a site plan for the Project Area. There is also incorporated into the Application as Tab 4 and 5 floor plans and elevations for the buildings and outline specifications showing generally the character and quality of the construction to be used.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, rehabilitation and construction in a blighted open area and a decadent area of decent, safe, and sanitary housing for the elderly and handicapped and commercial space.

The Project Area is a blighted open area because it would be unduly costly to develop through the ordinary operations of private enterprise due to the irregular shape and size of the site and the extremely difficult subsurface conditions; moreover, it will be necessary to demolish and remove an abandoned building that is presently on Parcel C-8. The difficult subsoil conditions include the following problems: part of the site was, until recently, a street containing numerous utility lines, old foundations, neighboring ones deeper than those necessary for the Project and the adjacent MBTA tunnel.

The Project Area is decadent, as defined in Chapter 121A, because in addition to the still-existing abandoned building on Parcel C-8, other buildings have been torn down and not replaced. Under existing conditions it is improbable that those buildings will be replaced, and because of excessive land coverage it is improbable that the area will be redeveloped by the ordinary operations of private enterprise. In addition, the open lots create an attraction for vandals and it is detrimental to the safety, health, morals, welfare and sound growth of the community. Furthermore, the Project is in an Urban Renewal Area

and therefore the Authority has already, in connection with such designation, determined it to be a blighted open, substandard and/or decadent area.

The Site would not be developed without the real estate taxes being limited to a percentage of the project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under G.L. Chapter 121A and Chapter 6A. These conditions and other factors referred to in the Application including those set forth in Tab 6 to the Application, and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project Area is a blighted, open, decadent and substandard area within the meaning of Chapter 121A, as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the forty (40) calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable.

The estimated minimum cost of the Project will be approximately nine million, five hundred thousand (\$9,500,000) dollars with related costs of approximately three million seven hundred thousand (\$3,700,000) dollars. The Project costs will be financed by the Applicant in one of two ways:

The first method would be with construction financing made available by State Street Bank and Trust Company or other institutional lender or MHFA under a mortgage insured by HUD, in amount equal to 90% of the total replacement cost of the Project, and permanent financing from Governmental National Mortgage Association (GNMA) pursuant to its Multi-family Tandem Program, all more fully explained in the Application.

The second method of financing would be to raise funds through the Section 8-11(b) Program administered by HUD. Under that program, tax exempt bonds would be sold by a public instrumentality which would in turn make a mortgage loan to the Applicant for the Project.

The Applicant shall, nevertheless notify the Authority in writing prior to taking title to the property as to which method of financing they have elected to use, setting forth the details of both the construction and permanent loans.

The Project will be assisted by housing assistance payments under Section 8 of the U.S. Housing Act for all but two of the two hundred and thirty one (231) units. Under the Section 8 program the United States Department of Housing and Urban Development ("HUD") pays the amount of the market rents for an apartment which exceeds 25% of the tenant's income. A condition of said HUD subsidy is that the Applicant receive a 121A determination for the Project and that said determination contain provisions for a contract under Section 6A of General Laws, Chapter 121A.

The following are all the persons, natural or corporate, who, prior to the completion of the Project, have or will have directly or indirectly, any beneficial interest in the Project:

Bradford Towers Associates and its General
and Limited Partners
Massachusetts Housing Finance Agency, or
other construction lenders.
Boston Redevelopment Authority.
U.S. Department of Housing and Urban Development.
GNMA or other permanent lenders.

Experience with similar financing and organization methods
persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan.. The Project does not conflict with
the Master Plan for the City of Boston as the Project Area comes within
a classification in the Master Plan which permits buildings and uses of
the kind proposed by the Applicants.

G. Environmental Considerations. Pursuant to the provisions of
Section 61 of Chapter 30 of the General Laws (as inserted by Chapter
781 of the Acts of 1972), the Authority hereby finds and determines that
the Project will not result in significant damage to or impairment of
the environment and further finds and determines that all practicable
and feasible means and measures have been taken, or will be utilized,
to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff
and of its own knowledge, the Authority hereby finds that:

1. The Project will not adversely affect any open space or recreation
area or any aesthetic values in the surrounding area.
2. The project will not adversely affect any archaeological or
historical site, structure, or feature.
3. The Project will not adversely affect any significant natural
or man-made feature or place but is determined to be compatible
with the surrounding environment.
4. Being located in an urban area, the Project will not affect any
wilderness area or area of significant vegetation and will not
adversely affect any rare or endangered fisheries, wildlife or
species of plants.

5. The Project will not alter or adversely affect any flood hazard area, inland or coastal wetland, or any other geologically unstable area.
6. The Project will not involve the use, storage, release, or disposal of any potentially hazardous substances.
7. The Project will not affect the potential use or extraction of any agricultural, mineral, or energy resources.
8. The Project will not result in any significant increase in consumption of energy or generation of solid waste.
9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the Project will not result in the generation of a significant amount of noise, dust, or other pollutants, and will not adversely affect any sensitive receptors.
11. The Project will not adversely affect any area of important scenic value.
12. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.
13. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such a manner as will cause damage to the environment.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulation for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity.

H. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will

constitute a public use and benefit. The Plans of the structure to be constructed within the Project Area have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the area and will provide much needed handicapped and elderly housing in the South Cove Urban Renewal Area. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

I. Minimum Standards. The minimum standards for financing, construction, maintenance and improvement of the Project as set forth in the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in the Application, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C, and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate: (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review control's and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the granting of a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and zoning laws. G.L. c.138.

J. Zoning Code Deviations. Tab 13 to the Application lists the zoning code deviations requested. The two parcels comprising the Project Area are extremely small for the buildings to be constructed. The Project, although technically in violation of the Zoning Code, does not derogate from the spirit or the intent of the Zoning Code as there are adjoining parks on both parcels, attractively landscaped which therefore satisfies any aesthetic concern generated by the violations. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority finds that the deviations attached hereto and incorporated by reference as Exhibit A are necessary for the carrying out of the total project for its financial feasibility and are therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations respectively.

K. Duration of Period of Tax Exemption. The Applicant requests an extension of twenty five (25) years to the best term of fifteen (15) calendar years for the Project's period of tax exemption pursuant to applicable provisions of Chapter 121A. The Project is a subsidized housing project, financed in part by both state and federal programs adopted to assist the construction of low and moderate income housing. Such a project is within those specified by G.L. Chapter 121A as qualified for the requested extension, and it is hereby granted.

"EXHIBIT A"

Deviations Requested.

Parcel C-1

Parcel C-1 is located in a B-8-U Zoning District. Pursuant to Section 13-4 of the Boston Zoning Code, if a dwelling is constructed in a B-8 Zoning District, the lot area, open space and yard requirements of the H-5 Zoning District will be applicable. Based upon these requirements, the criteria of the H-5 Zoning District, the following violations appear:

Open Space per Dwelling Unit:

Required: 50 square feet

Proposed: 47 " "

Front Yard:

Required: 15 feet

Proposed: 1.5 "

Side Yard:

Required: 16.6 feet

Proposed: 0 (On side yard abutting park)

Parcel C-8

Parcel C-8 is located in a B-8-U Zoning District, and the H-5 Zoning District requirements apply, as in the case of Parcel C-1. The following is the only deviation which appears:

Front Yard:

Required: 15 feet

Proposed: 6.5 " on Piedmont Street
7.0 " on Church Street

The two parcels in question are extremely small sites for the size of the buildings being constructed. However, the size of the buildings is required in order to accommodate the number of units necessary to make the Project financially feasible. The proposed construction, although technically in violation of the foregoing provisions, is necessary for the Project to go forward, and does not derogate from the spirit or intent of the Zoning Code. In all cases, the abutting properties are of a business character and almost completely occupy their lots. In addition, there are adjoining parks on both parcels, attractively landscaped, which therefore satisfy any aesthetic concerns generated by the above violations. Accordingly, request is made for approval of the foregoing deviations.

MEMORANDUM

SEPTEMBER 4, 1980

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: CHAPTER 121A APPLICATION OF BRADFORD TOWERS

On June 19, 1980, the Authority conducted a public hearing to consider the above-captioned 121A Application.

The Project consists of the acquisition of the Project Area from the Authority, construction, operation and maintenance of two apartment buildings on Parcels C-1 and C-8 in the South Cove Urban Renewal Area. The two buildings will contain 231 dwelling units, 229 of which will have Section 8 rental assistance and the remaining two units to be occupied by building superintendents and approximately 10,000 square feet of commercial space.

Authority staff has examined the Application and found that it contained sufficient evidence in support of the Project to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on the Application of Bradford Towers Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter.Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Organized Pursuant to M.G.L. c.109 and Approval to Act as an Urban Redevelopment Limited Partnership Under Said Chapter 121A" be and hereby is approved and adopted.